

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING -- December 14, 1966

Appeal No. 9062 George J. Paduda, Jr. et ux, appellants.

The Zoning Administrator of the District of Columbia, appellee.

On motion duly made, seconded and carried with Mr. Arthur B. Hatton dissenting, the following Order was entered at the meeting of the Board on December 14, 1966.

EFFECTIVE DATE OF ORDER -- August 22, 1967

ORDERED:

That the appeal for a variance from the requirements of Section 3301 requiring 900 square feet of lot area per unit in conversion of existing flat into a 4-unit apartment at 1115 Independence Avenue, SE., lot 814, square 990, be conditionally granted.

FINDINGS OF FACT:

- (1) The subject property is located in an R-4 District.
- (2) The property is improved by a two-story brick row house having a basement. The lot has a 22.08 foot frontage on Independence Avenue and a depth of 98 feet and contains approximately 2,163 square feet.
- (3) The building now has an occupancy permit for flats.
- (4) Appellants desire to convert the building into a four-unit apartment house having two apartments on each floor.
- (5) The proposed apartments would have the following rooms: Three units with one bedroom, kitchen, bath and living-dining room; and one unit with two bedrooms, kitchen, bath and living-dining room.
- (6) The size of the lot is less than required by the Zoning Regulations for the R-4 District, which requires 3,600 square feet of land in order to convert to four apartment units.

(7) No opposition to the granting of this appeal was registered at the public hearing. The Capitol Hill Restoration Society and the Capitol Hill Community Council, Inc. oppose the granting of this appeal.

OPINION:

We are of the opinion that appellant has proved a hardship within the meaning of the variance clause of the Regulations and that a denial of the request will result in peculiar and exceptional practical difficulties and undue hardship upon the owner.

We are further of the opinion that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Reference is made to the Opinion of the Board forming part of the Order in Appeal Number 8631 for a statement of the reasons of the majority of the Board for granting this and similar appeals.

This Order shall be subject to the following conditions:

- (a) The rear portion of the lot shall be brought down to alley grade.
- (b) Two parking spaces shall be provided in the rear yard of the subject property.